

04/05/01



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PTO/SB/05 (03-01)

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Approved for use through 10/31/2002. OMB-0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

| | |
|------------------------|----------------------------------|
| Attorney Docket No. | 1533.1100001/SRL/PCS |
| First Inventor | John D'Elia |
| Title | Ketogulonigenium Shuttle Vectors |
| Express Mail Label No. | |

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 40]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 12]
5. Oath or Declaration [Total Pages 1]
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR §§ 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76.

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☒ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ paper
 - c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Two (2) Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Authorization under 37 C.F.R. § 1.136(a)(3)
☐ Other: The name of the assignee is:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-Part (CIP) of prior application No: ____/
Prior application information: Examiner _____ Group/Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

Customer No. 26111

or ☐ Correspondence address below

(Insert Customer No. or Attach bar code label here)

| | | | | | |
|---------|---|-----------|----------------|----------|----------------|
| NAME | STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. | | | | |
| | Attorneys at Law | | | | |
| ADDRESS | 1100 New York Avenue, N.W. Suite 600 | | | | |
| CITY | Washington, | STATE | DC | ZIP CODE | 20005-3934 |
| COUNTRY | U.S.A. | TELEPHONE | (202) 371-2600 | FAX | (202) 371-2540 |

| | | | |
|-------------------|------------------|-----------------------------------|--------|
| NAME (Print/Type) | Steven R. Ludwig | Registration No. (Attorney/Agent) | 36,203 |
| SIGNATURE | | Date | 4/5/01 |

Burden Hour Statement: this form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

SKGF Rev 3/29/01 mac

UTILITY-TRANS-1533.1100001

**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

Complete if Known

| | |
|----------------------|----------------------|
| Application Number | To Be Assigned |
| Filing Date | HEREWITH |
| First Named Inventor | John D'Elia |
| Examiner Name | To Be Assigned |
| Group Art Unit | To Be Assigned |
| Attorney Docket No. | 1533.1100001/SRL/PCS |

TOTAL AMOUNT OF PAYMENT

(\$890.00)

METHOD OF PAYMENT (check one)

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number

19-0036

Deposit Account Name

Sterne, Kessler, Goldstein & Fox P.L.L.C.

- ☐
- Charge Any Additional Fee Required
-
- Under 37 CFR §§ 1.16 and 1.17

- ☐
- Applicant claims small entity status
-
- See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

- ☒
- Check
- ☐
- Credit card
- ☐
- Money Order
- ☒
- Other*
-
- *Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 101 | 710 | 201 | 355 | Utility filing fee | 710.00 |
| 106 | 320 | 206 | 160 | Design filing fee | |
| 107 | 490 | 207 | 245 | Plant filing fee | |
| 108 | 710 | 208 | 355 | Reissue filing fee | |
| 114 | 150 | 214 | 75 | Provisional filing fee | |

SUBTOTAL (1) (\$) 710.00

2. EXTRA CLAIM FEES

| Extra | Fee from below | Fee Paid |
|--------------------------------|----------------|----------|
| Total Claims 30 - 20** = 10X18 | X 18 | = 180.00 |
| Indep. Claims 1 - 3** = 0 | X | = 0 |
| Multiple Dependent | | = |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------|-----------------|----------------|-----------------|---|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 |
| 104 | 270 | 204 | 135 | Multiple dependent claim |
| 108 | 80 | 209 | 40 | **Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$) 180.00

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee paid |
|----------|----------|----------|----------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 130 | 123 | 130 | Petitions related to provisional applications | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 481 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify):


Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|---|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Steven R. Ludwig | Registration No. (Attorney/Agent) | 36,203 | Telephone | 202-371-2600 |
| Signature |  | | | Date | 4/5/01 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

ATTORNEYS AT LAW

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**REGISTERED PATENT AGENT
***SENIOR COUNSEL

April 5, 2001

WRITER'S DIRECT NUMBER:

(202) 371-2626

INTERNET ADDRESS:

SLUDWIG@SKGF.COM

Michael E. Yates, Esquire
Corporate Intellectual Property Counsel
Archer-Daniels-Midland Company
4666 Faries parkway
Decatur, IL 62526

Re: U.S. Utility Patent Application
Appl. No. To Be Assigned; Filed: HERewith
For: **Ketogulonigenium Shuttle Vectors**
Inventor: John D'Elia
Our Ref: 1533.1100001/SRL/PCS

Dear Michael:

We are pleased to report the filing in the U.S. Patent and Trademark Office of the following documents:

1. SKGF Cover Letter;
2. PTO Fee Transmittal Form (PTO/SB/17);
3. PTO Utility Patent Application Transmittal Form (PTO/SB/17)
4. U.S. Utility Patent Application entitled:

Ketogulonigenium Shuttle Vectors

Commissioner for Patents

April 5, 2001

Page 2

- a. specification containing 40 total pages:
 - i. 35 pages of description prior to the claims;
 - ii. 4 pages of claims (Claims 1-30);
 - iii. a one (1) page abstract;
- b. Twelve 12 sheets of drawings (Figures 1A-4B);
- c. Twelve 12 pages of sequence listing;
4. The Sequence Listing in computer readable form (3½ diskette in ASCII);
5. Application Data Sheet (1 page);
6. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3) (*in duplicate*);
7. Our check No. 30856 for \$890.00 to cover:
\$710.00 Basic Filing Fee (37 C.F.R. § 1.16(a);
\$180.00 Fee for Excess Claims; and
8. Two (2) return postcards.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

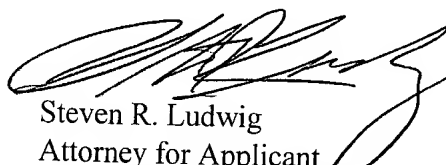
A computer readable copy of the sequence listing. In accordance with 37 C.F.R. § 1.821(f), the paper copy of the sequence listing and the computer readable copy of the sequence listing submitted herewith in the above application are the same.

Commissioner for Patents
April 5, 2001
Page 3

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Steven R. Ludwig
Attorney for Applicant
Registration No. 36,203

SRL/PCS:dcw
Enclosures

P:\USERS\DWRIGHT\General\STEVEN R. LUDWIG\SKGF-TRANS-1533.1100001
SKGF Rev. 4/27/00 mac

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

John D'Elia

Appl. No. To Be Assigned

Filed: HERewith

For: **Ketogulonigenium Shuttle Vectors**

Confirmation No.

Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 1533.1100001/SRL/PCS



**Authorization To Treat A Reply As Incorporating An Extension Of
Time Under 37 C.F.R. § 1.136(a)(3)**

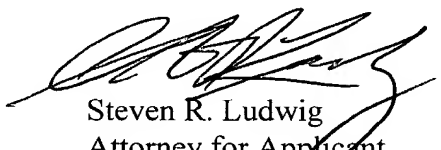
Commissioner for Patents
Washington, D.C. 20231

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Steven R. Ludwig
Attorney for Applicant
Registration No. 36,203

Date: 4/5/01

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P:\USERS\DWRIGHT\General\STEVEN R. LUDWIG\EOT-1533.1100001
SKGF 1/26/01 mac